

ANNEX G

Annual Environmental Review and Compliance Information Results Reporting and Resource Requests

I. Background on 22 CFR 216 or “Regulation 216”

All projects funded by USAID must conform to US environmental regulations (22 CFR 216) requiring evaluation to ensure that any environmental impacts resulting from the project implementation are mitigated. The federal regulation 22 CFR 216 was developed as a result of a settlement of a law suit brought against the Agency in 1975 regarding the lethal exposure of beneficiaries to the pesticide malathion. Through development of the Initial Environmental Examination (IEE), 22 CFR 216 or “Reg. 216” ensures that environmental (i.e., natural resource or public health) impacts of USAID-funded activities are identified and mitigation measures proposed at the design stage prior to the irreversible obligation of USAID funds. Subsequently, over the Life of the Activity (LOA), these environmental mitigation measures are be a standard component of program management.

II. Title II Compliance with Regulation 216: Annual Reporting

A. Requirements:

1) Multi-Year Assistance Programs (MYAPs):

All Title II Multi-Year Assistance Programs (MYAPs) must submit the Environmental Status Report (ESR) with annual CSR4s (Figure 1). The ESR is only required for years subsequent to the first year of the MYAP proposal, All CTOs are responsible for ensuring that all Reg. 216 documentation is submitted to the DCHA BEO for clearance. Compliance with Reg. 216 is required of all Title II development activities, whether they are supported by food assistance, 202(e), ITSH, and/or monetization funding.

Amendment

If a CSR4 submission contains changes that require a MYAP amendment, an IEE amendment may need to be submitted with the MYAP amendment. The same clearance process for an IEE amendment will be followed as for an original MYAP IEE (applicable document [Annex D, P.L. 480 Title II Program Policies and Proposal Guidelines](#)).

Deferrals

If a Cooperating Sponsors received a deferral in the original IEE on one or more aspects of their program from the DCHA BEO, then an amended IEE should be included with their following year's CSR4 to resolve each deferral or indicate that the activity will not be conducted, if that is the case.

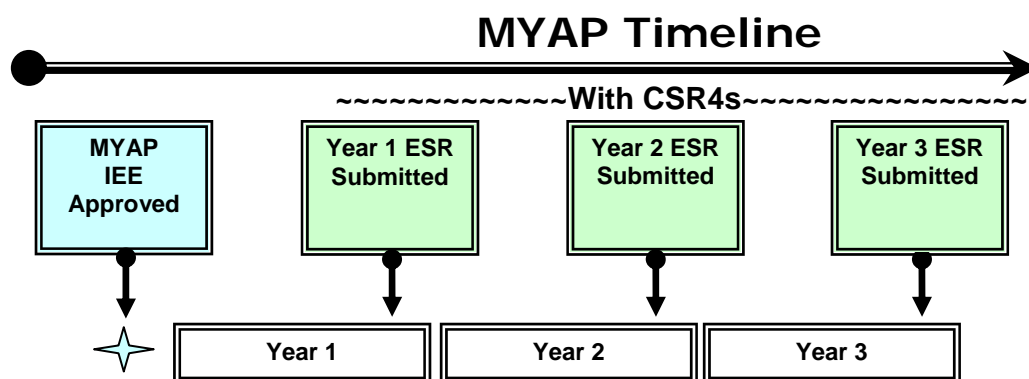


Figure 1. Timeline for submission of MYAP Reg. 216 compliance documentation.

2) Single-Year Assistance Program (SYAP):

IEEs are required for emergencies protracted beyond one year (applicable document [Annex D, P.L. 480 Title II Program Policies and Proposal Guidelines](#)). The ESR is only required for years subsequent to the first year of the consecutive SYAP IEE submission (if any). All CTOs are responsible for ensuring that all Reg. 216 documentation is submitted to the DCHA BEO for clearance. Compliance with Reg. 216 is required of all Title II development activities, whether they are supported by food assistance, 202(e), ITSH, and/or monetization funding.

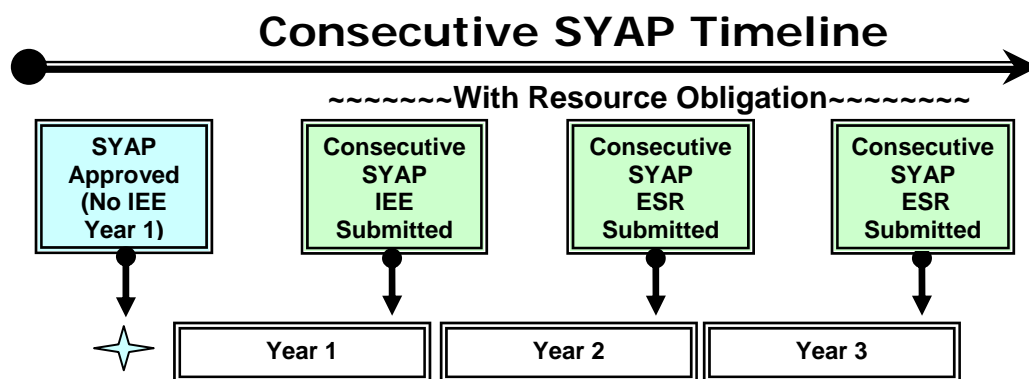


Figure 2. Timeline for submission of SYAP Reg. 216 compliance documentation in the case of consecutive SYAP funding.

B. Procedures:

If activities in the IEE for the MYAP or SYAP were classified as either/or a Categorical Exclusion, Negative Determination without Conditions, then the CS should only state "No changes" in the Environmental Compliance section of the CSR4 submission. If activities were classified as a Negative Determination with Conditions or Positive Determination, the CS will include details in the ESR concerning the actions undertaken regarding mitigation measures stated in the original IEE or Environmental Assessment /Programmatic Environmental Assessment where they might exist. The ESR will indicate whether mitigation plans outlined in the original IEE are on schedule and detail the monitoring and evaluation measures being undertaken by the Cooperating Sponsor.

C. Format:

The ESR may be between 2-10 pages and outlines potential environmental impacts of discrete activities over the previous FY the award using the attached template (Attachment 1, Annex B and [FFP Environment Website](#)).. As it is often difficult to quantitatively measure progress of complex mitigation measures, it is recommended that the CS insert inserted compressed, digital photos (~96 dpi, web/screen resolution) to describe progress of mitigation activities. The CSs should include a matrix, or table, in the ESR outlining that mitigation plans are being implemented as submitted in previous environmental documentation (i.e., the IEE or IEE amendment).

An ESR face sheet is used for IEE amendments.

D. Clearances:

All Title II draft Reg. 216 documentation must be cleared through the Mission and the Mission may request revisions to ensure that Mission objectives, consideration of local conditions, and consistency with environmental documentation of other CSs in the same country are achieved. Cooperating Sponsors are *strongly* encouraged to seek Mission review and clearance on MYAP IEEs prior to official submission of the proposal to FFP/Washington. The CS must first gain clearance for the ESR from either the [Mission Environmental Officer](#) or the Food for Peace Officer based in each country. For non-presence countries, clearance from the Regional FFP officer or [Regional Environmental Advisor](#) is required. The ESRs are then submitted to Washington for final clearance by the [DCHA Bureau Environmental Officer \(BEO\)](#). If ESRs are submitted to Washington without Mission concurrence, then the clearance of the ESR will be delayed to gain the necessary Mission clearances.

III. Reg. 216 Document Preparation Resources

While these CSR4 guidelines take precedence, the [FFP Environment Website](#), or the [Environmental Procedures Training Manual](#) (EPTM) also provide guidance on completing the IEE, IEE amendment and Environmental Status Report (ESR). The EPTM also covers more in-depth environmental reviews, and defines many of the environmental compliance issues and terms used in these instructions. A Field Guide

to USAID Environmental Compliance Procedures is a shorter field guide. In addition to these documents, both the [Mission Environmental Officer](#) and [DCHA Bureau Environmental Officer](#), and where they exist, [Regional Environmental Advisors](#), should be consulted.

For reference on design standards and mitigation information on a wide variety of discrete activities, refer to the “[USAID Environmental Guidelines for Small-Scale Activities in Africa](#)”, Sphere Humanitarian Charter and Minimum Standards in Disaster Response Handbook (2004), ., [Field Operations Guide \(FOG\) v.4](#), Illustrative sector-specific guidelines include: WHO guidelines for handling and disposal of medical waste, “[Low-Volume Roads Engineering: Best Management Practices Field Guide \(Keller and Sherar, 2003\)](#)”.

TITLE II ENVIRONMENTAL STATUS REPORT FACESHEET

Title of MYAP/SYAP Activity:

CS name/Country/Region:

Funding Period: FY_____ - FY_____

Resource Levels:

Commodities (dollar equivalent, incl. monetization): _____

Total metric tonnage request: _____

Status Report Prepared by: Name: _____ Title _____
Date: _____

Date of Previous Status Report: _____

A. Status of the IEE/Categorical Exclusion/EA

IEE Reference: Date of most recent IEE or Categorical Exclusion (If all activities were CEs): _____, Contact Person: _____

_____ **No revisions** or modifications needed. IEE/CE or CE and all activities still applicable

_____ **Amended IEE** submitted, based on attached report, summary, etc., (referencing the body).

_____ **EA/PEA** needs to be amended to cover additional or modified activities. [Note: If yes, immediately notify the MEO, REO (where one exists) or the DCHA BEO.
Amended EA or PEA submitted, based on _____]

B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring

_____ Environmental Status Report describing compliance measures taken is attached.

_____ For any condition that cannot be satisfied, a course of remedial action has been provided within an IEE Amendment. [Note: For conditions under an EA, consult the MEO, REO (where one exists) and/or BEO].

USAID APPROVAL OF ENVIRONMENTAL STATUS REPORT:

Clearance:

Mission Environmental Officer:* _____ Date: _____

Food For Peace Officer: _____ Date: _____

DCHA Bureau Environmental Officer: _____ Date : _____

*or USAID Environmental Representative, if MEO does not exist.

ENVIRONMENTAL STATUS REPORT (ESR) REPORT INSTRUCTIONS AND FORMAT

In 2-10 pages or less, the Environmental Status Report should indicate whether steps need to be taken to amend previous environmental documentation and whether conditions are being met, e.g., mitigation plans are on schedule and the monitoring and evaluation measures being undertaken by the Cooperating Sponsor. In a Mission's comments and/or approval cable to DCHA/FFP, the Mission should state whether it concurs with the Environmental Status Report.

Section A. Status of the IEE/Categorical Exclusion/EA

Use the answers to the following questions to determine if the status of the IEE has changed.

Use the same instructions for a Categorical Exclusion submission in the event all CS activities were Categorical Exclusions.

If any activities are covered under an Environmental Assessment (EA) which is typically activity or site-specific or a broader sectoral, thematic or geographic Programmatic Environmental Assessment (PEA), the questions below need to be interpreted in the context of the specific activity, sector or area.

A1. Modified or New Activities:

Have new activities been added or activities substantially modified?

Note what these are and reference an amended IEE, if the MYAP or SYAP has an approved IEE. Reference a Categorical Exclusion Document in the event the MYAP or SYAP required only a Categorical Exclusion Document **and** the new/modified activities are also categorically excluded. If they are not, a full IEE will need to be prepared.

Note: An amended MYAP or SYAP requires an IEE Amendment. Also remember that activities can be changed or added that do not require a MYAP/SYAP amendment, but which do alter Reg. 216 threshold decisions and would thus require an IEE Amendment.

A2. Resolution of Deferrals:

Did the previous IEE have deferrals? List these.

State if they are being resolved through an amended IEE to be submitted with this year's activity. If not, indicate when an amended IEE will be submitted in order to be able to go ahead with the activities.

If the deferred activities have been dropped from the sponsor's program, amend the current IEE to state that and recommend to the BEO that the deferral is no longer applicable.

A3. Conditions:

If experience has shown that conditions in the IEE cannot be complied with, note and reference an amended IEE, which discusses what substitute conditions are recommended in order to comply with the spirit of the original conditions (to avoid or reduce environmental effects).

Many conditions in IEEs relate to **Mitigation and Monitoring**. If based on Section B2 below, it proved not feasible to carry out all mitigation and monitoring and the sponsor desires to change the conditions for mitigation and monitoring spelled out in the IEE, discuss and reference an amended IEE.

A4. Amendments:

Based on the above, is an amended IEE needed?

___ Yes (If yes, attach here.) No___

If the previous documentation was a Categorical Exclusion Submission, is an amended Categorical Exclusion needed to deal with new Categorical Exclusions for new activities?

___ Yes (If yes, attach here.) No___ Not Applicable___

Is the Sponsor unable to meet recommendations and/or conditions that are part of an EA or does the Sponsor believe an EA or PEA needs to be amended to cover additional or modified activities?

___ Yes No___ Not Applicable___

If yes, immediately notify the MEO, REO (where available) or the DCHA BEO.

A5. Remember it is necessary to obtain the Mission's concurrence on an Environmental Status Report prior to proposal approval. Be sure to complete the ESR Facesheet. Proceed to Section B.

Section B. Status of Fulfilling Conditions in the IEE, including Mitigative Measures and Monitoring

Take this opportunity to re-evaluate your mitigation and monitoring plan. Make sure the commitments made in the IEE are doable and realistic, in other words, not beyond the capabilities and resources of the CS to implement. Mitigation and monitoring can be part of normal visits to an area to check on activities, unless specific testing, surveys or the like have been required. Alternatively, experience to date may indicate that the IEE's mitigation and monitoring plan is not sufficiently specific or is lacking in some respect. If conditions or mitigation and monitoring are part of an activity-specific EA or sectoral PEA, the instructions below still apply.

- B1.** For each component of the program, list or reproduce (as an Annex to this report) the mitigative measures and monitoring or other conditions. [For activities placed under an umbrella process according to EPTM Annex G, do not reproduce the standard Environmental Screening Form and Review conditions; follow instructions at B3 below.]
- B2.** Describe status of complying with the conditions. Examples of the types of questions a Sponsor should answer to describe "status" follow.
- 1) What mitigative measures have been put in place? How is the successfulness of mitigative measures being determined? If they are not working, why not? What adjustments need to be made?
 - 2) What is being monitored, how frequently and where, and what action is being taken (as needed) based on the results of the monitoring? In some situations, a CS will need to note that the monitoring program is still being developed with intent to satisfy the conditions. Alternatively, it could happen that the conditions cannot be achieved because of various impediments.

Sponsors are encouraged to construct table(s) of relevant status indicators.

For any conditions that cannot be satisfied, propose a course of remedial action and amend the IEE. In the case of an EA, consult the MEO, REO (where available), and the DCHA BEO, as amending an EA is a more elaborate process.

- B3.** If the CS is using Environmental Screening Forms* (ESFs) and environmental reviews, prepare: i) a table listing the ESFs prepared and submitted; (ii) the Category(ies) the activity(ies) was\were placed in; and (iii) whether the ESF has been approved by the MEO. For any Category 2 or above activities, the chart should include the status of the Environmental Reviews, e.g., in preparation; submitted to MEO; approved by MEO; MEO referred to REO and BEO; and the date of approval by MEO or by REO or BEO, if appropriate.

Section C. Cooperating Sponsor Recommendations for Beyond Compliance and Institutionalization of Environmentally Sound Practices

Please outline plans or recommendations (in a page or less) for institutionalizing environmentally sound design and management practices in future activities of a similar nature.